



TOWN OF CHELMSFORD

WARRANT FOR SPECIAL TOWN MEETING

FEBRUARY 24, 2022

MIDDLESEX, SS.

To the Constable, or any other suitable person of the Town of Chelmsford:

Greeting:

In the name of the Commonwealth aforesaid, you are hereby requested to notify and warn the Town Meeting Representatives of said Chelmsford to meet at the Chelmsford High School Gymnasium, 200 Richardson Road, North Chelmsford on Thursday, the twenty-fourth day of February in the year two-thousand and twenty-two at 7:30 p.m. in the evening then and there to act upon the following articles, VIZ:

ARTICLE 1. To see if the Town will vote to authorize the Select Board to acquire for the purpose of obtaining a secure and public right of way along Esther Drive containing 11,140 square feet as depicted on a plan of land entitled "Roadway Easement, Ledge Road – Esther Drive, Chelmsford, Massachusetts" prepared by Chelmsford Department of Public Works Engineering Division, dated October 2021. The subject parcel is identified by the town assessors' office as Map 7, Block 4, Lot 32. The subject parcel contains frontage on Ledge Road, Esther Drive and Oak Hill Road and contains 1.37 acres and shown as Lot 2 upon a plan recorded with the Middlesex North Registry of Deeds in Plan Book 171 Plan 145. The purpose of this taking is to allow for the construction and roadway safety improvements to provide safe access from the homes located on Esther Drive and Ledge Road as set forth in the right of way plan and to further permit school bus access to the dwellings on Esther Drive.

And further to authorize the Board of Selectmen to acquire these parcels or easements through any and all means available under the General Laws of the Commonwealth including without limitation by donation, purchase and/or eminent domain; or act in relation thereto.

SUBMITTED BY: **Board of Selectmen**
Two-Thirds Vote

ARTICLE 2. To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise, a parcel of land containing .04 acres, more or less, which is identified as Fourth Avenue, shown as Lot 4 on Assessor's Map 18, Block 75, and more fully described in a deed recorded in the Middlesex North Registry of Deeds in Book 4976, Page 317, said parcel to be held under the care, custody, and control of the Select Board for general municipal purposes; and further to appropriate a sum of money to fund said acquisition, including related legal and other costs incidental and related thereto; and further authorize the Select Board and Town Manager to take all actions necessary to acquire said parcel; or act in relation thereto.

SUBMITTED BY: Town Manager
Two-Thirds Vote

ARTICLE 3. To see if the Town will vote to transfer from available funds a sum of money to be used to fund employee contract agreements between the Town and its collective bargaining units; or act in relation thereto.

SUBMITTED BY: Town Manager
Two-Thirds Vote

ARTICLE 4. To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a certain sum of money to install a new ice-rink refrigeration system, including the building transformer and other electrical upgrades, at the Town-owned building commonly known as the Chelmsford Forum, which is located on two parcels of land located at 123 Brick Kiln Road, Chelmsford and 2 Brick Kiln Road, North Billerica; and to authorize the Treasurer, with the approval of the Select Board, to borrow said funds under the provisions of G.L. c.44 and/or any other enabling authority and to issue bonds or notes of the Town therefore; or act in relation thereto.

SUBMITTED BY: Town Manager
Two-Thirds Vote

ARTICLE 5. To see if the Town will vote to amend the Town Code, Chapter 195 “Zoning Bylaw” by inserting a new Article XXV, UMass West Multi-Family Housing Overlay District, which provides as follows:

UMASS WEST MULTI-FAMILY OVERLAY DISTRICT (UMW MFOD)

195-148: PURPOSE AND INTENT:

The Purpose of this overlay is to regulate the development of multifamily dwelling units by establishing eligibility requirements and reasonable conditions for construction, in conformance with Chapter 358 of The Acts of 2020 and G. L. c. 40A, §5.

195-149: ESTABLISHMENT AND APPLICABILITY:

The locations and boundaries of this overlay district are hereby established and made part of this bylaw as shown on the UMass West Multi-Family Housing Overlay District Map, dated 11/10/2021.

The Multi-Family Housing Overlay District regulations of this article shall be the sole regulation for properties in the UMW MFOD. Except as specifically incorporated herein, any other provisions of the Town of Chelmsford Zoning Bylaws (“Bylaws”) shall not apply to a development of Multifamily Dwelling Units or Age Restricted Multifamily Dwelling Units under this Overlay. Any owner of property in this UMW MFOD may choose to develop their property under the underlying zoning without regard to the UMW MFOD. If not already specifically incorporated elsewhere in the UMW MFOD, the UMW MFOD specifically incorporates the following sections of the Bylaws:

Article III, §195-8, Nonconforming Uses and Structures,

Article IV, §195-10, Existing Nonconforming Lots

Article IV, §196-14, Height Restrictions on Certain Accessory Structures,

Article VI, Fairs, Carnivals and Similar Events,

Article VII, §195-34, Outdoor Illumination,

Article VIII, Environmental Protection Standards,

Article XIII, Wireless Communications Facilities,

Article XIII A, Commercial Solar Photovoltaic Facility

Article XIV, Aquifer Protection District,

Article XV, Floodplain District,

Article XIX, Administration and Enforcement, and

Article XX, Terminology.

195-150: DEFINITIONS:

Multifamily Dwelling: A multifamily dwelling designed for and occupied by three or more family dwelling units, in any configuration, in one building or multiple buildings (whether or not attached) on a single lot, and the buildings accessory thereto.

Affordable Housing Multifamily Dwelling: Multifamily dwellings featuring one hundred percent (100%) affordable housing units, with such units affordable to households making no more than eighty percent (80%) of Area Median Income.

195-151: ALLOWED USES:

BY RIGHT

Multifamily Dwellings, projects with a total of 2 dwelling units per acre or less

Affordable Housing Multifamily Dwellings, projects with a total of 2 dwelling units per acre or less

BY RIGHT, WITH SITE PLAN REVIEW (Per Section 15 of the UMW MFOD)

a) Multifamily Dwellings greater than 2 dwelling units per acre

Affordable Housing Multifamily Dwellings, greater than 2 dwelling units per acre

Uses permitted in the underlying zoning district are allowed as set forth in the Use Regulations Schedule of the Bylaw.

195-152: DESIGN STANDARDS:

Multifamily Dwellings or Affordable Housing Multifamily Dwellings designed under the UMW MFOD shall meet the following standards:

Any development site proposed for Multifamily Dwellings shall have a minimum lot area of ten (10) acres and a minimum frontage of 50 feet on a public or private way that is open for public use. However, the Planning Board may waive the minimum lot frontage on a public or private way open to public use, provided that a substitute private access road into the site area will be constructed with the reduced frontage. Provided that a lot created pursuant to the UMW MFOD shall not be required to obtain access through the lot's legal frontage and projects may have shared driveways; or

Any development site proposed for Affordable Housing Multifamily Dwellings shall have a minimum lot area of two (2) acres and a minimum frontage of 20 feet on a public or private way that is open for public use or on a driveway. However, the Planning Board may waive the minimum lot frontage on a public way, private way open to public use, or on a driveway, provided that a suitable private access road into the site area can be constructed with the reduced frontage. Provided that a lot created pursuant to the UMW MFOD shall not be required to obtain access through the lot's legal frontage and projects and lots may have shared driveways.

Any roadway or access drive located within 50 feet of a property line shall be shielded from the property line by a buffer of vegetated screening satisfactory to the Building Commissioner for any “by right” project and the Planning Board, for projects requiring site plan approval, between the roadway and property line for the entire length of the roadway within the 50-foot area. Provided that lots created pursuant to the UMW MFOD shall not be required to provide such buffer between lot lines shared with other lots in the UMW MFOD.

The required minimum distance between buildings that are structurally connected by roofing, fencing, or other means that is not enclosed or heated shall be determined by the Building Commissioner for “by right” projects and the Planning Board for projects requiring site plan approval. Other dimensional parameters shall be determined based on aesthetics, practicality of design, and the design’s effect on the development.

Within the UMW MFOD all dwelling units shall comply with the following minimum net floor area requirements, measured as living area, unless the Planning Board authorizes a reduction by waiver during the Site Plan approval process:

- (1) Studio Unit: 500 Square feet
- (2) One-Bedroom Unit: 600 Square feet
- (3) Two-Bedroom Unit: 900 Square feet
- (4) Three-Bedroom Unit: 1,200 Square feet

195-153: DENSITY:

Maximum density shall be fifteen dwelling units per acre for Multifamily Dwellings and shall be thirty dwelling units per acre for Affordable Housing Multifamily Dwellings.

No more than 25% of the total site area within the wetlands and/or flood plain shall be used in calculating maximum density for the site.

195-154: BUILDING AND PARKING COVERAGE:

The maximum coverage of any lot with Multifamily Dwellings, including garages, carports, and surface parking areas, shall not exceed 45 percent of the site area. Notwithstanding the foregoing, any lot with only Affordable Housing Multifamily Dwellings may have up to 65 percent maximum coverage of its site available for use by all buildings, garages, carports, and surface parking areas.

195-155: SETBACKS:

Building and Structure Setbacks:

FRONT, SIDE AND REAR YARDS: No building or structure shall be erected within thirty feet (30’) of any property line abutting a public or private street, existing as of the date of adoption of this by-law, or within twenty feet (20’) of any other property boundary area, excluding any internal lot line or roadway created as part of a project within the UMW MFOD.

Parking Setbacks:

FRONT, SIDE AND REAR YARDS: No parking area shall be constructed within twenty-five feet (25') of any property line abutting a public or private street or within twenty-five feet (25') of any other property boundary area, excluding any internal lot line created as part of a project within the UMW MFOD.

195-156: BUILDING HEIGHT:

The maximum building height shall be fifty-six feet (56') unless waived by the Planning Board. The maximum number of stories shall be four (4) stories and there shall be no roof mounted equipment other than rooftop solar, which shall not be included in the calculation of building height.

195-157: UTILITIES:

Services. All utilities shall be installed underground unless otherwise approved by the Planning Board.

195-158: RECREATIONAL AND OPEN SPACE:

Fifty percent (50%) of the total lot area for Multifamily Dwellings (including wetlands) shall be set aside as recreational and open space. The open space shall remain free from structures, parking and drives, and such area shall be left either in its natural state, landscaped, or developed for outdoor recreational facilities. Outdoor recreational facilities may include incidental recreational structures such as boardwalks and pathways, and may also include swimming pools and decks, patio areas, grill stations, fire pits, hammocks, tables and seating, playground(s), bocce turf courts, landscaping and dog parks and other similar features. Thirty-five percent (35%) of the total lot area (including wetlands) shall be set aside as recreational and open space in any lot with Affordable Housing Multifamily Dwellings. Any area transferred to another entity by deed, easement or other similar document that includes criteria for preservation as open space shall continue to be included in the recreational and open space and density calculations for the developed site.

195-159: PARKING:

Multifamily Dwellings:

Off-Street Parking spaces shall be provided at a rate of not less than 1.6 parking spaces per unit, which shall include both resident and guest parking and the Planning Board shall have authority during site plan approval to require up to an additional 65 parking spaces which shall be banked and shall not be constructed unless warranted by demand.

Affordable Housing Multifamily Dwellings:

Off Street Parking provision shall be made for not less than nine-tenths (.9) of a parking space per unit, which shall include both resident and guest parking.

The required parking spaces may be located on surface parking lots, in accessory garages, in a dedicated parking area on the lot. When the parking spaces are located outside, the area used for parking shall be graded and drained so as to prevent surface water accumulation within the parking area and to prevent surface water runoff to an adjoining property or the public way. During Site Plan review, the Planning Board may permit a reduction in the size of some parking spaces to allow compact parking spaces.

Dimensions of outdoor parking spaces shall be a minimum of 9 feet by 19 feet.

Dimensions of indoor parking garage spaces shall be a minimum of 9 feet by 18 feet.

195-160: LANDSCAPING:

Perimeter Buffer: Where existing dense plantings do not exist, the perimeter of the developed portion of a project site shall be supplemented with landscaping that will serve to reduce abutter's view of the project and enhance existing mature vegetative buffer where possible. A perimeter fence may be installed within required setbacks to provide additional physical barriers for security and/or additional screening.

Parking Buffer: There shall be plantings along the edge and interiors of the surface parking areas to mitigate the heat island effect caused by surface parking. Efforts will be made to ensure that any plantings within the parking area will visually connect the project with the existing mature vegetation buffer.

Landscaping Around Structures. There shall be plantings along the perimeter of the buildings where possible and consistent with the Massachusetts Fire Code.

195-161: ARCHITECTURAL DESIGN STANDARDS.

The material selections and detailing of the proposed buildings will be consistent with New England architecture complimenting the surrounding neighborhood.

Residential Buildings shall be constructed with a minimum of two stories.

A lighting plan shall be required in conjunction with the site plan review. Lighting shall be designed to illuminate the subject property and shall not encroach onto abutting properties. All lighting shall be directed away from adjoining property with no light spillover and shall comply with Section 195-34 of the Bylaws

195-162: SITE PLAN REVIEW:

Sections 195-104 C(1), D, E, F, G, H and J shall apply to projects within the UMW MFOD.

A site plan, as specified in § 195-104.

Narrative analyses of the consequences of the proposed development, including evaluation of the following concerns at a level of detail appropriate to the scale of development proposed, as determined by the Planning Board:

Natural environment. Groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially rare species and mature trees) and wildlife habitats.

Public services. Traffic safety and congestion, need for water system improvements and need for public sewerage.

Visual environment. Visibility of buildings and parking and visual consistency with existing development in the area.

195-163: VALIDITY OF DECISION:

Approval of a Site Plan shall remain valid and shall run with the land indefinitely, provided that a valid building permit has been issued and construction has commenced, including site work, within three years after the site plan approval decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. For purposes of Projects that are phased, the commencement of construction or substantial use on any Project phase shall constitute commencement of construction of all remaining phases of the Project. This three year period may also be extended for a specific period of time by majority vote of the Planning Board if it find the project proponent is actively pursuing other required permits for the project or that there is other good cause for the failure to commence construction within the three year period. Requests for extensions must be filed with the Planning Board prior to the expiration of the three-year period.

If submittal of a building permit application has not been made within three years after the decision is issued (or any Planning Board approved extension of the three-year period), then Site Plan Review approval shall be null and void, and no construction shall thereafter commenced unless a new Site Plan Review is approved in accordance with the provisions of this Section.

195-164: WAIVERS:

The Planning Board is specifically authorized to waive any requirements in the UMW MFO. The Board shall base its decision upon findings that the waivers will provide for improved aesthetics created by the design, and practicality of design to lessen environmental, neighborhood, and public service impacts and provided that the Planning Board shall consider, as applicable to the proposed waivers:

Social, economic or community needs which are served by the proposal;

Traffic flow and safety, including parking and loading;

Adequacy of utilities and other public services;

Neighborhood character and social structures;

Impacts on the natural environment; and

Potential fiscal impact, including impact on Town services, tax base and employment.

195:165: APPEALS:

Any decision issued by the Planning Board under this UMW MFOD may be appealed to a court of competent jurisdiction pursuant to G. L. c. 40A, § 17.

195-166: SEVERABILITY:

In the event that one or more of the provisions of this article are determined to be illegal or unenforceable by a court of competent jurisdiction, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this article which remains in full force and effect.

; or act in relation thereto.

SUBMITTED BY: Planning Board
Two-Thirds Vote

ARTICLE 6. To see if the Town will vote to appropriate a sum of money from the Affordable Housing Stabilization Fund, the Community Preservation Fund Community Housing Reserve, and/or the Community Preservation Fund General Reserve for the construction of senior affordable housing at 255 Princeton Street, Chelmsford; or act in relation thereto.

SUBMITTED BY: Community Preservation Committee
Two-Thirds Vote

Hereof fail not and make return of this warrant with your doings at the time and place of said meeting.

Given under our hands this 10th day of January, 2022.

SELECT BOARD OF THE TOWN OF CHELMSFORD

Virginia E. Crocker Timmins, Chair

Kenneth M. Lefebvre, Vice Chair

Mark C. Carota, Clerk

George R. Dixon, Jr.

Patricia Wojtas

NOTICE OF PROPOSED DATES
AND TIMES FOR CONTINUED SESSIONS OF THE
FEBRUARY 24, 2022 SPECIAL TOWN MEETING

The Select Board shall propose the following date and time for a continued session of the Special Town Meeting of February 24, 2022 to be held at the Chelmsford High School Gymnasium, 200 Richardson Road, North Chelmsford:

Monday, February 28, 2022 at 7:30 p.m.

Thursday, March 3, 2022 at 7:30 p.m.

If additional continued sessions are necessary, they shall take place on the following Monday and Thursday until the meetings are concluded.

Pursuant to Town of Chelmsford Code Chapter 154-9, these dates and times are proposed and are subject to change by vote of the Town Meeting Representatives.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

January ____, 2022

Pursuant to the within warrant, I have notified and warned the Inhabitants of the Town of Chelmsford by posting up attested copies of same at the following places, to wit: Town Offices Building, 50 Billerica Road; North Chelmsford Fire Station, 35 Princeton Street; Senior Center, 75 Groton Road; East Chelmsford Fire Station, 115 Riverneck Road; Byam Elementary School, 25 Maple Road; Westlands School, 171 Dalton Road; West Chelmsford Fire Station, 260 Old Westford Road; McCarthy Middle School, 250 North Road; and South Row Elementary School, 250 Boston Road.

Signed:

Edwin Paul Eriksen, Constable

A True Copy Attest,

Edwin Paul Eriksen, Constable